



2011 Annual Report

**Maryland Commission on Civil Rights
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On October 1, 2011, the Maryland Commission on Human Relations was renamed the Maryland Commission on Civil Rights.

Mission Statement

I *t is the mission of the Maryland Commission on Civil Rights to ensure equal opportunity for all through the enforcement of Maryland's laws against discrimination in employment, public accommodations, housing and commercial non-discrimination; to provide educational and outreach services related to the provisions of these laws; and to promote and improve human relations in Maryland.*

Letter of Transmittal

State of Maryland Commission on Civil Rights



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January 1, 2012

The Honorable Martin O'Malley, Governor
The Honorable Members of the General Assembly of Maryland

Dear Governor O'Malley and Members of the General Assembly:

We are able to report that the Commission has again performed its duties effectively under the continuing budgetary constraints. We appreciate the assistance of Governor O'Malley, the Department of Budget and Management, the Maryland House of Delegates and the Maryland Senate in support of our mission to ensure equal opportunity and promote better human relations in Maryland.

The Commission is now entering a transitional phase as previously forecast. Our long-time Executive Director, Henry Ford, has retired, and we have begun a search for his successor. The personnel office at the Department of Budget and Management is giving us valuable help in this process, as it has through the year on other vacancies. We are grateful for this support. The loss of experienced investigative personnel, without replacements, poses a great challenge to providing completed and timely investigations to charges of discrimination.

The characteristics of the charges of discrimination we receive have been changing in recent years. Complaints alleging discrimination based upon a disability continue to rise in the areas of housing and public accommodation. We added a different approach to investigations in 2011, by employing Fact Finding Conferences, in which the Complainant and the Respondent meet before a specially trained investigator to explore the dispute and seek a resolution. Adoption of this approach, supplementing our existing mediation program, has led to a considerable increase in the percentage of cases resolved without a lengthy investigation or litigation.

In view of our resources and in comparison to similar state agencies throughout the country, we believe our performance during 2011 has been very good. We hope that the fiscal environment will improve for the State and this Commission, so that we can continue to offer our much needed services to the citizens of Maryland at the high level expected.

Very truly yours,

Norman I. Gelman
Chairman

J. Neil Bell
Deputy Director

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The Commission

The Maryland Commission on Civil Rights (MCCR) represents the interest of the State to ensure equal opportunity for all through the enforcement of Title 20, State Government Article (formerly Article 49B) of the Annotated Code of Maryland and the State's Commercial Non-Discrimination Policy. The MCCR investigates complaints of discrimination in employment, housing, public accommodations and commercial discrimination from members of protected classes that are covered under those laws.

The Maryland Commission is governed by a nine-member Commission appointed by the Governor and confirmed by the Maryland State Senate. Commission members are appointed to serve six-year terms. The Commission meets once a month to set policy and review programmatic initiatives.

The Commission is an independent agency that serves individuals, businesses, and communities throughout the State. Its mandate is to protect against discrimination based on race, color, religion, sex, age, national origin, marital status, physical or mental disability, sexual orientation and genetic information. In housing cases, discrimination based on familial status is also unlawful.

In addition, the Commission assists employers in developing bias-free selection, hiring, retention, promotion and contracting procedures; increases equal housing opportunities to all groups in Maryland; ensures equal access to public accommodations and services; and promotes knowledge and understanding of anti-discrimination laws and help to improve human relations within the State.

2011 Commissioners

Norman I. Gelman, Chairperson

Shawn M. Wright, Esquire, Vice Chairperson

Sambhu N. Banik, Ph. D

Doris Cowl

Joyce De Laurentis

Dr. Kanan Hudhud

Gary C. Norman, Esquire

CASE PROCESSING DIVISION

The Case Processing Division provides intake, investigation, mediation and expedited processing services for the complaints filed with MCCR in housing, public accommodations and employment. The Division provides those services through an Intake Unit and three Investigative Units. One of the Investigative Units, Field Operations, has full service offices in Hagerstown, Leonardtown, and Salisbury and Easton.

The Division receives complaints directly from individuals who believe they have been victims of unlawful discrimination and also processes cases for the U. S. Department of Housing and Urban Development (HUD) and the Equal Employment Opportunity Commission (EEOC).

The most significant change implemented within the Division during the past year was the utilization of Fact Finding Conferences by the investigative staff. Fact Finding Conferences and mediations are now under the Expedited Process team at MCCR. Over the past several years, the Commission had seen a diminution of parties electing to utilize the MCCR Mediation program as a method to resolve the disputes of a complaint. The Mediation process is voluntary and uses a facilitative model with volunteer mediators for dispute resolution. Fact Finding Conferences on the other hand, are a provision within the MCCR regulations and attendance may be required. The conferences are conducted by specially trained investigators who explore all points of dispute within a charge and also try to resolve the complaint at the conference. The participation rate has increased dramatically as has the number of resolutions from the team. Expedited processing allows cases to be processed effectively while saving the parties involved and the State money and time often spent on investigations and possible future litigation. The team focuses not only on resolving individual charges but also on repairing the relationships between disputing parties. The goal is to close cases quickly and efficiently and to also continue to promote a State free of discrimination by teaching the public to have a direct hand in resolving their own disputes.

Intake and Closures

Intake:

During FY 2011, the Division received a total of **589** individual complaints of discrimination as follows:

Employment	480	(82%)
Housing	60	(10%)
Public Accommodations	<u>49</u>	<u>(8%)</u>
Total	589	(100%)

Charts I and II provide the county of origin and bases distribution of the complaints. Chart III provides the basis distribution of the cases closed.

Closures:

During FY 2011, the Division obtained **over \$569,000.00 in monetary benefits** for the people of Maryland.

During FY 2011, the Division completed all work on a total of individual complaints of discrimination as follows:

Employment	612	(82%)
Housing	80	(11%)
Public Accommodations	<u>53</u>	<u>(7%)</u>
Total	745	(100%)

The Case Processing Division was successful in achieving its objectives in spite of a reduction in staff again this year.

An indicator of success is that again, according to federal audits, MCCR demonstrated the superior quality of the investigations with one of the *highest acceptance rates of completed cases in the nation*. In addition, federal audits of other FEPA (Fair Employment Practice Agencies--state and local commissions that have the same or similar contractual relationship with EEOC), *revealed that the MCCR inventory of open cases is approximately one-third the age of the national average of open cases*. The age of the pending inventory is an indicator of the time an agency takes to complete a case.

The chart below demonstrates that the age of MCCR's pending inventory is *dramatically lower than the national average*.

MCCR Average Age of Open Case 2010		Average Age of Open Case : National Averages
Employment	203 days	FEPAS (Fair Employment Practice Agencies) 829 days
Housing	53 days	FHAPS (Fair Housing Assistance Programs) 170 days
Public Accommodations (no national averages)	288 days	

Chart I: Total Intake 2011

Basis Distribution

Employment, Public Accommodations and Housing
Charges filed in Fiscal Year 2011 according to alleged Basis of Discrimination

Basis	E	PA	H
Race: Black	123	6	19
White	27	2	1
Asian	3	0	0
Pacific Islander	1	0	0
Bi Racial ,Multi -Racial	4	0	0
American Indian/Alaskan	1	0	0
Other	2	4	0
Sex: Female	100	1	2
Male	44	0	2
Sexual Orientation	26	0	0
Age	108	0	NA
Retaliation	103	0	0
Disability	112	40	40
Religion: 7 th Day Adventist	2	0	0
Muslim	3	0	3
Jewish	3	0	0
Protestant	0	0	0
Catholic	0	0	0
Other	2	0	0
National Origin: Hispanic	13	3	0
East Indian	2	0	0
Mexican	5	0	0
Arab, Afghani, Mid-Eastern	2	0	0
Other	36	1	2
Familial Status	NA	NA	10
Marital Status	3	0	0
Color	4	0	0

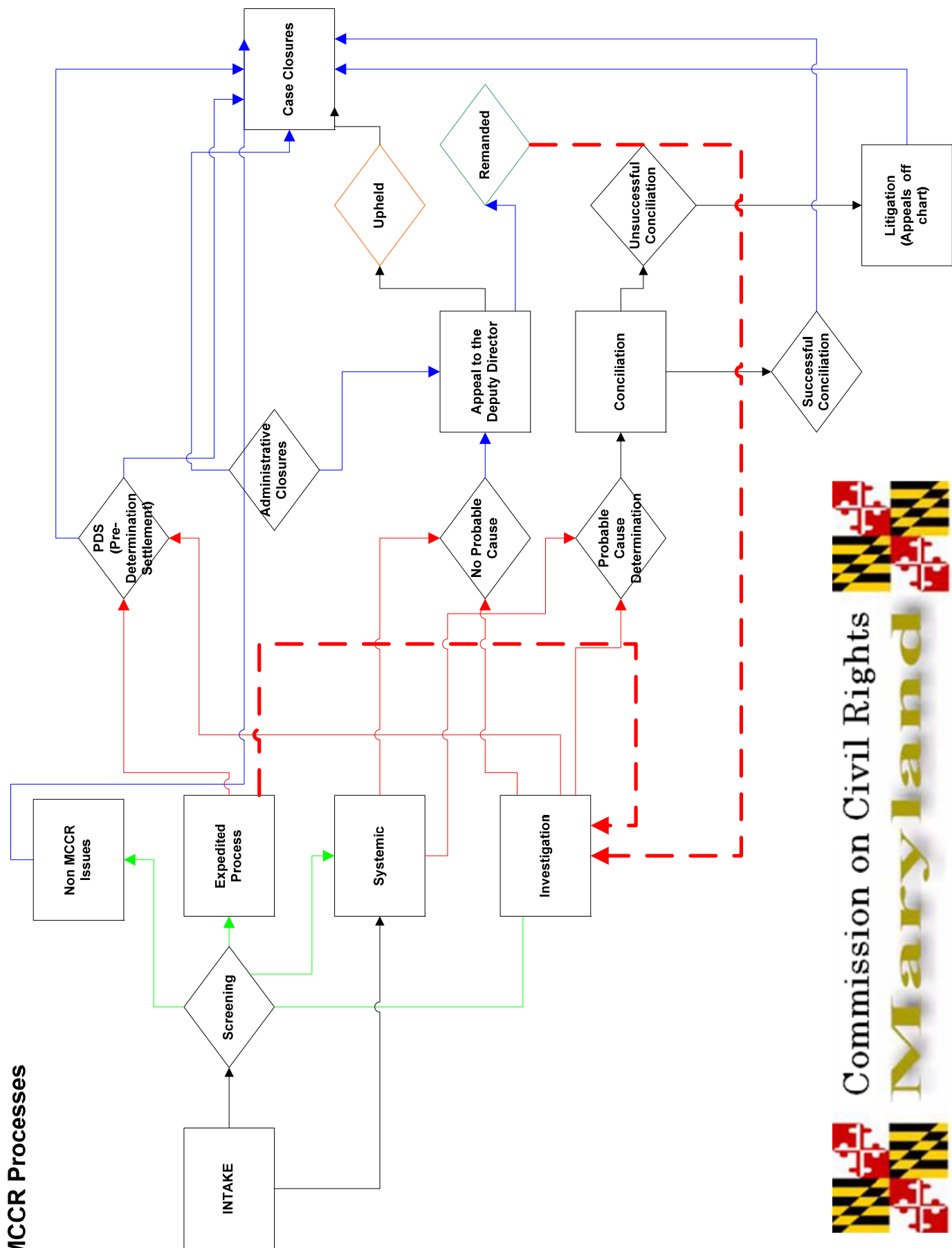
Note: Charges may be filed on more than one basis, therefore the total exceeds the number of charges filed.

**Chart II: Intake of Cases FY 2011:
Frequency by County
Employment, Public Accommodation and Housing**

County	E	PA	H	TOTAL
West				
Allegany	3	1	1	5
Frederick	8	2	1	11
Garrett	1	0	1	2
Washington	8	0	1	9
Central				
Anne Arundel	56	2	4	62
Baltimore City	99	9	5	113
Baltimore County	83	11	10	104
Carroll	4	2	0	6
Harford	7	13	2	22
Howard	20	0	1	21
Montgomery	50	4	16	70
Prince George's	38	3	9	50
Southern Maryland				
Calvert	3	0	0	3
Charles	10	0	3	13
St. Mary's	4	1	0	5
Eastern Shore				
Caroline	1	0	0	1
Cecil	6	0	3	9
Dorchester	13	0	0	13
Kent	5	0	0	5
Queen Anne's	10	0	2	12
Somerset	3	0	0	3
Talbot	28	0	0	28
Wicomico	14	0	0	14
Worcester	6	1	1	8
Totals	480	49	60	589

Chart III: Closed Cases 2011 Employment, Public Accommodations and Housing Cases closed in Fiscal Year 2011 according to alleged Basis of Discrimination			
Basis	E	PA	H
Race:			
Black	242	14	23
White	21	1	1
Asian	1	0	0
Pacific Islander	1	0	0
American Indian/ Alaskan	1	0	0
Bi-Racial, Multi Racial	0	0	0
Other	11	3	2
Sex:			
Female	139	2	4
Male	52	1	0
Sexual Orientation	35	1	0
Age	104	1	NA
Retaliation	136	1	5
Disability	181	35	28
Religion:			
7th Day Adventist	3	0	0
Muslim	3	0	3
Jewish	3	0	0
Protestant	4	0	0
Catholic	1	0	0
Other	12	1	0
National Origin:			
Hispanic	8	1	0
East Indian Arab, Afghani, Mid Eastern	2	0	0
Mexican	1	0	0
Other	22	0	0
Familial Status	NA	NA	13
Marital Status	1	0	1
Color	6	1	0

Note: Cases may be filed on more than one basis, therefore totals exceed the number of charges closed.



12/19/2011



MCCR Case processing Work Flow Diagram from
Intake to Case Closure

Case Histories: The Impact on the Lives of People in Maryland

While the statistical analysis of the work of MCCR can provide valuable overall information on the state of human relations in Maryland, it does not present the effect that the MCCR has in terms of *promoting* and *improving* better human relations in the State. A few of the case histories that are presented here are just several of the hundreds of cases where the MCCR has facilitated resolution of the conflicts that give rise to the complaints MCCR receives each year. It must also be noted that a significant number of settlements brokered by MCCR can not be listed here as the agreements contained general releases outside the jurisdiction of the Commission. These agreements totaled in over \$300,000.00 in benefits to Complainants.

Scott Forman v. Calvert County Government

The Complainant alleges while completing his initial probationary period, he was given a favorable evaluation and recommendation for merit status. Several days subsequent to the evaluation he was hospitalized for treatment of his disability. The Complainant alleged that when the Respondent learned of the reason for his hospitalization, the rating on his evaluation was lowered and the recommendation for merit status was withdrawn resulting in the Complainant's discharge. Complainant then filed a charge with this Commission.

The two key pieces of evidence were the evaluation form with the date of the handwritten change in the rating and altered recommendation, and the transcript of the DLLR unemployment benefits appeal hearing in which Respondent's management stated that Respondent could not risk continuing to employ the Complainant given his disability.

A Probable Cause finding was issued. Conciliation efforts resulted in a settlement for the Complainant of \$39,000.00 in back wages and \$1,000.00 in medical expenses.

Susan Needy v. Mack/Volvo

The Complainant began employment with Respondent in 1999 as a production line assembler on their engine line in Hagerstown. She was diagnosed with PTSD and anxiety disorder prior to being hired by the Respondent. Her physicians determined that medications were not effective in her case. It was discovered that when the Complainant wore a listening device, and listened to music or other soothing sounds (water, wind, chimes, etc), she could control her anxiety in social settings.

In 2010, the Respondent implemented a safety policy whereby no one could listen to music or use cell phones in the production area. The Complainant provided medical documentation requesting reasonable accommodation and Respondent denied her request claiming that it could create a safety issue. Complainant tried to work without her listening device, but was unable to cope with the increased anxiety. Respondent terminated her employment.

The Commission staff conducted a site visit and requested that the Respondent demonstrate why they believed there was a safety issue. Complainant was stationary on the production line and was never in danger of moving equipment. Also, she wore her ear piece in one ear only, allowing her the ability to hear horns and fork lifts moving in the area.

The Respondent failed to convince Commission staff that a safety issue existed. Complainant was returned to work with all benefits and back pay in the amount of \$91,429.40.

Vanita Miles on behalf of son, Kody Miles v. Play and Learn of Annapolis/Play Centers, Inc.

The Complainant filed a public accommodations complaint on behalf of her 2-year old son alleging that he had been discriminated against and denied service at the Respondent's child day care facility. After attending the day care center for several months, the Complainant's son was diagnosed with diabetes. The Complainant informed the center of her son's needs and requested an accommodation. The Complainant alleged that the Respondent declined to provide the necessary accommodation and refused to offer further care for her son. The parties agreed to participate in the MCCR mediation process and were able to reach an agreement. The agreement provided that the Respondent pay the Complainant a \$2,500 settlement and that the Respondent have each of its five Maryland center directors (Annapolis, Crownsville, Odenton, Hunt Valley and Baltimore) attend an 8-hour diabetes training course provided by local hospitals or the American Diabetes Association. The Respondent also agreed to make efforts to have center directors attend refresher trainings and require any new center directors in the next five years to attend the same training.

Nancy Martino v. Montgomery County Public Schools, Albert Einstein High School

The Complainant filed a charge of discrimination against her employer based on sex, age and retaliation. The Complainant was a health and physical education teacher for the Respondent. In the past, the Complainant had filed an internal sexual harassment charge against a fellow employee. The Complainant was told that her harassment complaint had been internally investigated and that the accused employee had been informed of her allegation. The accused employee was not reprimanded and the Complainant had to continue to work with him. Later, the Complainant was selected to serve as the Acting Athletic Director prior to open recruitment for that position. She applied and interviewed for the position but was ultimately not selected for the Director position. The Complainant alleged that a less qualified, younger male candidate was given the position and that she was not selected in part as a form of retaliation for her earlier internal sexual harassment charge and because the accused employee in that situation had been influential in the selection of the Athletic Director position that was not awarded to the Complainant. The parties agreed to participate in the MCCR mediation process and were able to reach an agreement. The Complainant wanted to continue to be employed by the county school system where she had built her career over many years but she did not want to continue to work with the employee she had accused of harassment. She wanted to be transferred to another school where she would be able to start fresh and have the opportunity for job growth in the hopes that she would eventually become an athletic director. The Respondent agreed in mediation to transfer the Complainant to the first available high school health/physical education teacher position.

Nealis v. Pigilim, Et Al

The Complainant is an adherent of the Islamic faith. He exchanged emails with the Respondent regarding his desire to inspect and possibly lease the subject property. The Respondent researched a link that was on the Complainant's email messages. This link led him to a web site that featured essays regarding terrorism and suicide bombings. The Respondent subsequently informed the Complainant that the property was not available because the current tenants had decided not to vacate. The Complainant filed complaints with HUD and the MCCR, alleging that the Respondent denied him a housing opportunity due to an illegal bias against Muslims.

The Complainant stated that he never revealed his religious beliefs to the Respondent. He asserted that the web site, www.SPUBS.com, actually featured a statement against Islamic terrorism.

Although the Respondent informed the Complainant that the subject property was no longer available, the Respondent continued to advertise it. After being told that the property was no longer available, the Complainant sent another email to the Respondent, using the name "Alex Powers." Mr. Pigilam replied that the house would be available by July.

The Complainant submitted a printout of the email exchanges with the Respondent. Of particular interest is a message from the Respondent, dated 4/1/10, in which he stated: "...what is this web site? It was about Muslims. I need to know more about you before showing the house."

In another email to the Complainant, the Respondent stated: "I am sorry. The home is not available for rent anymore. I just got news from the existing renters saying they will continue for another year."

In an interview with the Commission staff, the Respondents' current tenant, Rajesh Rao, confirmed that Mr. Pigilam granted his request that his lease be extended. However, Mr. Rao said that he asked for an extension through July 31 2010, not through the year 2011, as the Respondent had informed the Complainant.

The Complainant submitted an email he sent to the Respondent on or about 4/2/10, using the pseudonym "Lx Powers." The email stated: "Your advertisement on Craig's List stated that you have a single family home in Howard County for rent, and I would like to fill out an application for it."

On or about 4/3/10, the Respondent replied thusly: "...The home is available from July 1st. Will this be okay?...I will give the contact number and we can set up an appointment."

The Complainant stated that these documents supported his position that the Respondent misled him about the availability of the subject property, due to the Respondent's perception that he is a Muslim.

The Respondent legal counsel asserted to the Commission staff that the Respondents actions regarding relevant statute, Title 20 of the Maryland Annotated Code, do not apply to the Respondent because he was attempting to rent the property without the assistance of a real estate broker, agent, or salesperson. However, Section 20-704 of that statute does not exempt the Respondent, because he advertised the housing opportunity on the Craigslist website.

The evidence establishes that: 1) after researching an Islamic web site, it is probable that the Respondent inferred that the Complainant was a Muslim; 2) the Respondent admitted to the Commission staff that this inference caused him to mislead the Complainant about the availability of the housing opportunity. Accordingly, the Commission staff concludes that Respondent Srinivasulu Pigilam has illegally discriminated in this matter, due to the Complainant's religion.

Subsequent to the issuance of the Probable Cause finding, the Commission staff was able to facilitate a settlement. Under the terms of the Conciliation Agreement, the Respondent agreed to pay \$10,000 to the Complainant and the Complainant agreed to withdraw his complaint.

Office of the General Counsel

The legal representative for the Maryland Commission on Civil Rights (MCCR) is the Office of General Counsel (the Office). As an independent State agency, MCCR is one of a few State agencies not represented by the Attorney General's Office. The General Counsel is autonomous and thus does not come under the authority of the Attorney General. The General Assembly created the independence to avoid conflict when the Attorney General Office is representing a State Agency charged with unlawful discriminatory practices.

In its role as legal representative for MCCR, the General Counsel has the responsibility to defend the agency in any litigation instituted against it. In addition, as a part of the Agency's statutory mandate, the Office represents the State when enforcing the State's anti-discrimination statute, State Government Article, Title 20. This representation may take place before the Office of Administration Hearings (OAH), State and federal trial and appellate courts.

Besides litigation, the General Counsel's Office provides advice of counsel to MCCR staff, administrators and commissioners in the form of oral advice or written opinions; provides training, advice and guidance to MCCR investigators; offers technical assistance for best practices to corporations, businesses, advocacy organizations, non-profits, State and local government agencies; and educates Maryland citizens and businesses through programs, seminars and presentations about their rights under State law to be free from unlawful discrimination.

The Office of General Counsel is responsible for directing the Agency's legislative agenda, as well as, monitoring related legislation filed by legislators during the General Assembly's session. This undertaking includes the tasks of drafting legislation; preparing the Agency's testimony; attending bill hearings and work sessions; meeting with legislators and the Governor's legislative staff; and conducting research and providing follow-up information requested by legislators or the Governor's Office.

INITIATIVES

In addition to enforcing Title 20, State Government Article, the Agency has the mandate to develop and further human relations throughout the State of Maryland. In support of this mandate, the General Counsel's Office has developed partnerships, established ongoing projects, educated businesses and property owners on best practices and reached out into the community to prevent and eliminate unlawful discrimination. In FY2011, the Office of the General Counsel has initiated and contributed to the following activities to comply with that mandate:

- The General Counsel's Office continued its joint corroboration and partnership with the Statewide EEO Coordinator's Office by providing workshops entitled "Investigative Techniques" and "Discrimination Theory" to State agencies' EEO coordinators. In addition, the Office presented "Maryland Anti-Discrimination Law and MCCR Complaint Processing" at the EEO Coordinator's Office 2nd Annual Statewide Equal Opportunity Retreat at St. Mary's College of Maryland.
- The Office presented on the coverage of the State's Commercial Non-Discrimination Policy (CND) at the Washington DC Building and Construction Trades Council Conference. It also continued its partnership with the Governor's Office of Minority Affairs (GOMA) to educate companies doing business with the State, vendors, MBE liaisons, State contract and procurement officers about CND.
- Education of the public regarding the State's anti-discrimination laws took place on television (Bill Kladky's show "Neighborhood Beat"); radio (WOLB 1010 AM); and as a guest lecturer to a class on Labor Law at the Community College of Baltimore County.
- Sexual harassment has continued to be a significant issue in unlawful employment discrimination cases. At the request of a State agency and businesses seeking to institute best practices, the General Counsel provided sexual harassment training to the Maryland Energy Administration, Capital Financial Group, Inc. and Abacus Corporation.
- In the continuing effort to familiarize the Bar with the changes in MCCR's statute and regulations, the General Counsel presented on a panel entitled "The Administrative Process-Where to File Your Next Charge" at the Maryland Employment Law Association's 6th Annual Conference. General Counsel also presented on a panel for the Maryland State Bar Association Labor and Employment Law Section CLE entitled "Navigating the Waters of Employment Discrimination in Maryland". The CLE was held in Hagerstown, Maryland as a part of the Section's initiative to bring educational programs to parts of the State outside of the metropolitan area.

- The General Counsel's Office participated in several fair housing programs to promote equal opportunity in housing for citizens of Maryland and best practices for property owners and realtors. Baltimore Neighborhoods Inc. (BNI) held its 2nd Annual Fair Housing & Tenant/Landlord Boot Camp, "Bridging the Gap, Bringing Communities Together", at which the General Counsel presented on the State's fair housing law. The office also participated in the Baltimore County Human Relations Commission's annual fair housing program. A fair housing legal update was provided to the Maryland Association of Realtors. And several fair housing presentations were presented in partnership with the State's Department of Housing and Community Development (HCD).
- Legislative updates were provided to the Office of the National Association of Human Rights Workers (NAHRW) and the Coalition against Violence and Extremism (COVE).
- The General Counsel was named as one of the Daily Records' 2011 Top 100 Women.

TECHNICAL ASSISTANCE & OUTREACH

As a strategic part of the continuing effort to inform the people of the State of Maryland on Title 20 and their rights, the Commission provides training, educational programming, information and other support resources to the businesses, state and local governmental agencies, not-for-profit organizations, faith communities, and academic institutions found throughout Maryland. The primary aim is to provide information as well as the resources that will ensure that persons who live, work, and visit the state of Maryland will have equal access to housing, employment, and publicly-accessible accommodations, as well as foster good human relations within the state.

Almost 7000 individuals were provided information about equal protection from discrimination found under Maryland law and awareness of issues that affect their quality of life, through MCCR's educational, outreach, and training events, training workshops in cultural competence, sexual harassment prevention, conflict resolution, sexual orientation, Commercial Non-Discrimination disability sensitivity, hate crimes awareness, MCCR services, fair housing issues, and unlawful discrimination law were presented by the General Counsel's Office, Mediation Unit, and investigative staff.

MCCR assisted, planned, facilitated, and participated in special events throughout Maryland, in conjunction with other organizations and agencies. Through such events as Fair Housing events, Maryland's Gay Pride Festival, and State EEO Officers Retreat, MCCR helped to broaden awareness of its services and information on equal access for all Marylanders.

This year **157** training sessions were provided to approximately **7000** individuals. These trainings were provided to almost **88** different groups representing a wide diversity of governmental institutions, organizations, non-profits, and businesses including:

- On Our Own, Inc (Baltimore Co.)
- Frederick Community College
- St. Mary's College
- Wor-Wic Community College
- Taneytown Volunteer Fire Department
- Capital Financial
- National Association of Human Rights Workers
- Queen Anne's Co. Community Management Board
- Baltimore Neighborhood Initiative
- Somerset Co. NAACP
- Berlin City Government
- Baltimore Co. Fire Academy
- MD. Energy Administration
- MD. Dept. of Public Safety
- MD. Dept. of Housing and Community Development
- MD. State Bar Association

Educational and collaborative partnerships are ongoing part of the relationships cultivated with local, state, and federal agencies such as local Human Relations/Human Rights Commissions, U.S. Department of Housing and Urban Development (HUD), the Equal Employment Opportunity Commission (EEOC), and the U.S. Department of Justice to enhance the range and scope of MCCR's services and outreach efforts.

SIGNIFICANT CASES

EMPLOYMENT

Philisha Turner-Davis v. Shore Health System, Inc.,

Shore Health System (SHS) was formed in 1996 through the affiliation of two community hospitals on the eastern shore of Maryland. SHS is currently a regional not-for-profit network of inpatient and outpatient medical services with facilities in Talbot, Dorchester, Caroline and Queen Anne's counties. SHS has over 1,900 employees, a medical staff consisting of over 200 attending, consulting and associate staff members, and a corps of 500 volunteers.

In May 2008, Philisha Turner-Davis completed an application for employment for an access representative position with SHS. In July 2008, SHS provided Davis with a written offer of employment for the position of regular full-time access representative. Davis signed the written offer of employment indicating her acceptance of the position. Shortly thereafter, Davis completed the required pre-employment health screenings. As part of her evaluation, Davis completed a medical history questionnaire in which she disclosed that she was having some discomfort in her left wrist. In August 2008, Davis attended new employee orientation. During this time, SHS informed Davis that she needed follow-up with her own physician in order to obtain an additional screening test for carpal tunnel syndrome (CTS) which was suspected by SHS based upon the symptoms provided by Davis. Therefore, Davis was sent to an independent physician who completed a thorough examination. The test result indicated a mild case of CTS. Still, the physician cleared Davis to work without restriction. Consequently, Davis uprooted her family and moved some 50 miles in anticipation of beginning work for SHS.

However, the next month Davis was terminated. In September 2008, Davis was given a written termination letter stating that her physical examination determined that the repetitive motion of typing required for the access representative position could worsen her condition. Davis was fully capable of performing the essential functions of an "access representative".

Davis initiated a complaint with the Maryland Commission on Civil Rights (MCCR). MCCR filed a Statement of Charges against SHS because it "perceived" Davis to have a disability namely CTS. Therefore, SHS terminated her services. However, prior to the public hearing being conducted, SHS reached an agreement with MCCR in its unlawful discrimination case. The most significant provisions of the agreement were: SHS consented to provide a monetary award to Davis which included back pay, Davis was provided with a letter of reference from SHS concerning her prior employment, and SHS senior officials underwent unlawful employment discrimination training, along with agreeing to post a non-discrimination policy throughout its facilities and to distribute it to new hire and/or transfer employees.

HOUSING

Pamela Smith v. James Gerber & Judy Gerber

The Maryland Commission on Civil Rights (MCCR) entered into a settlement agreement with a landlord. While attempting to rent his single family home in southern Maryland, the landlord discriminated against the complainant.

Pamela Smith was a single parent with two children. In early 2009, she saw an advertisement on the internet site www.militarybyowner.com for rental housing in Charles County. The address of the property was ideal because it was close to the school that her children attended and not too distant from her work site. Thus, that same day, Smith forwarded an email to the property owner James Gerber in reply to the advertisement.

Following-up the email, Smith telephoned Gerber the next day. Gerber did answer her telephone inquiry. They conversed about the property discussing significant points like maintenance and the price of rent. However, when Smith informed Gerber that her two children would also be residing in the property, Gerber replied that he was unwilling to rent to an individual with children. He stated that children would inflict undue wear and tear on the home. Further, Gerber did not respond to Smith's request to schedule an appointment to inspect the property following the point he raised concerning children. Ultimately, she was denied the opportunity to rent the property for herself and her family.

As a former realtor, Smith was aware that she was being unlawfully discriminated against by Gerber because of her familial status. The incident was very upsetting to Smith. Her mother reported that it affected her appetite and Smith's nerves were rocky because she was uncertain as to where she and her children would live. Smith's mother also stated that her daughter became depressed and angry about what happened to her and her children.

Smith took action and filed a complaint with MCCR based upon familial status. Just before the Statement of Charges was filed, Gerber entered into a settlement agreement with MCCR. The agreement called for Gerber to pay compensatory damages to Smith, pay a civil penalty to the State of Maryland, and undergo fair housing training.

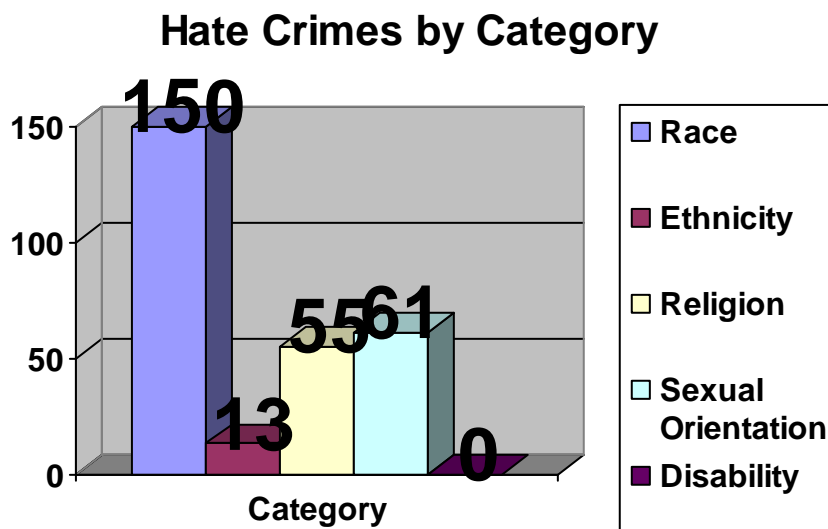
Hate Crimes Monitoring

The following is a copy of the reported Hate Related Incidents that have occurred in the State Of Maryland that were reported to the Maryland State Police in 2010. The State Police forward a copy of all the Hate Related Incidents to The Maryland Commission on Civil Rights.

The breakdown shows the total amount of Hate Related Incidents that have occurred in each county and Baltimore City.

All the information in this report was obtained from the Maryland Supplementary Hate Bias Incident Report Form. Each law enforcement agency in the State Of Maryland must use this form to report hate related incidents to the Maryland State Police after every month.

This year there were a total of 279 Hate Related Incidents reported in the Maryland.



Total Reported Hate Related Incidents by County

2010

Allegany	00	Queen Anne's	00
Anne Arundel	44	Somerset	00
Baltimore City	18	Saint Mary's	00
Baltimore County	104	Talbot	00
Calvert	01	Washington	00
Caroline	01	Wicomico	06
Carroll	05	Worcester	00
Cecil	03		
Charles	08		
Dorchester	05		
Frederick	15		
Garrett	01		
Harford	05		
Howard	10		
Kent	00		
Montgomery	28		
Prince George's	25		

Information Technology Unit

In FY 2011, the Maryland Commission on Civil Rights Information Technology Department successfully met the technology needs of the agency. The IT staff, which consists of a DP Director and DP Technical Support Specialist II, provided a well-organized and reliable information technology environment for the staff to resolve complicated discrimination complaints.

With limited funds in 2011, the department continues to:

- Find cost effective solutions
- Maintain a stable & secure network
- Provide quality hardware & software support
- Maintain and support applications & databases
- Improve and maintain an informational web site

The MCCR web server continues to be one of the most beneficial and cost-effective tools managed by the Information Technology Department. In 2009, we decided to streamline some of our client/server based applications by moving them to a Web-based platform. The benefits on the user side are greater mobility for field and telecommuting workers. Teleworkers can log into MCCR web based applications from any browser, anytime or anywhere. On the support side, it is easier for the Information Technology Department to distribute, maintain, and provide support for these centralized web based applications.

In 2009, the Information Technology Department launched a completely redesigned website. The redesigned website has an incredibly user-friendly layout, which helps visitors quickly browse information and submit complaints. During the Fiscal year 2011, the main website recorded 130,640 visitors and the new Spanish-speaking site, which allows residents to access valuable information in their native tongue, recorded 15,430 visitors.

It is our pleasure to serve the citizens of Maryland. Each year our goal is to meet and exceed the needs of all internal and external customers. As technology changes, we will stay open minded to feedback when looking for cost-effective solutions.

Annual Operating Budget

MCCR Budget Report for the Last Three Fiscal Years			
Fiscal Years	2009	2010	2011
Federal Funds			
HUD	\$328,200	\$441,315	\$327,973
EEOC	\$355,550	\$314,850	\$348,583
Total Federal Funds	\$683,750	\$756,165	\$676,556
General Funds	\$2,677,211	\$2,544,329	\$2,509,219
Grand Total	\$3,360,961	\$3,300,494	\$3,185,775
Staff Positions			
Authorized Permanent	40.1	41.6	38.6
Contractual	.5	.5	.5
Total Positions	40.6	42.1	39.1

MCCR STAFF FY 2011

Governor Martin O'Malley

Commissioners

Executive Director
Henry B. Ford

Deputy Director
J. Neil Bell
Tara Taylor

Exec. Associate
Jeanne Weaver

General Counsel
Glendora C. Hughes

LEGAL UNIT
=====

Mediation Unit
=====

Supervisor
Tara Taylor
Maria Andrews
Lisa Chanel

Assistant Director
Benny F. Short

Admin. Officer
Barbara Wilson

ADMINISTRATIVE SERVICES UNIT
=====

Personnel Officer
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Jose Cartera
Admin Spec.
Renee Hickman

MANAGEMENT INFO. SYS.
=====

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Deshaun Steele
Info. Technology Specialist
R. Keith Witte

INTAKE RECORDS CONTROL UNIT
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Cynthia Johnson
Priscilla Johnson
Gloria Klatt
Joann Nixon
Octavia Marshall
Valeri Mc Neal

INVESTIGATIONS UNIT
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Gary Monroe
Willie Owens
David Pavanal

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Lisa Chanel
Gregory Logan
Delinda Johnson-Wood
Deanna Zavala
Maria Andrews

INVESTIGATIONS UNIT
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Easton
Carlos Loria
Hagerstown
Barbara Green
Leonardtown
Bonnie Hernandez
Salisbury
Linda Watkins-Henry

* Norman Gelman, Chair
Shawn Wright, Vice Chair
Sambhu Banik
Doris Cowl
Joyce De Laurentis
Dr. Kanan Hudhud
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